

# H-1B Advisor

## Help from DOL: The H-1B Advisor

### Assistance in Understanding Foreign Worker Certification Under the H-1B Visa Program

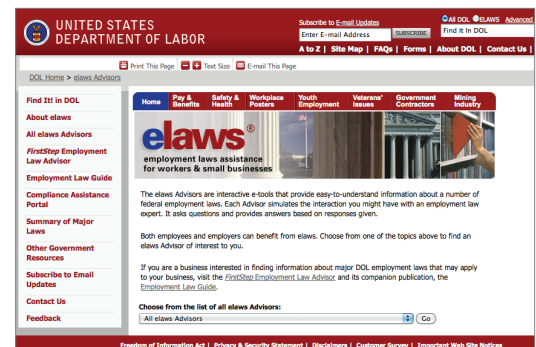
The H-1B Advisor is an online tool that helps employers and others understand how to comply with requirements under the H-1B visa program, which allows for the temporary employment of foreign workers in the U.S. in certain specialty occupations.

The H-1B nonimmigrant visa classification was created under the Immigration and Nationality Act (INA) to help employers who cannot otherwise obtain needed skills and abilities from the U.S. workforce by authorizing the employment of qualified individuals not otherwise authorized to work in the U.S. The INA also establishes certain standards to protect U.S. workers from being adversely affected by the employment of the nonimmigrant workers under the H-1B program, as well as to protect H-1B employees.

The online H-1B Advisor describes these standards and provides detailed information about employers' and U.S. and foreign employees' rights and responsibilities under the H-1B program. Specifically, it outlines:

- Notification requirements
- Monetary issues
- Worksite issues
- Recordkeeping
- Worker protections
- Enforcement
- Requirements for employers deemed to be H-1B dependent or willful violators

Responsibilities for the H-1B program are shared between the Department of Labor's Office of Foreign Labor Certification (OFLC) and Wage and Hour Division (WHD), the Department of Homeland Security's U.S. Citizenship and Immigration Service (USCIS) and the U.S. Department of State (DOS). However, the Advisor focuses solely on compliance with the requirements enforced by WHD; it does not review the process for participating in the program or for invoking H-1B visa portability.



The H-1B Advisor is one of a series of **elaws** (Employment Laws Assistance for Workers and Small Businesses) Advisors developed by DOL to help employers and employees understand federal employment laws. To access it, please visit the **elaws** Web site at [www.dol.gov/elaws](http://www.dol.gov/elaws). To learn more about DOL's role in administering the Immigration and Nationality Act (INA) and H-1B Visa program, visit the Office of Foreign Labor Certification (OFLC) Web site at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov) or Wage and Hour Division (WHD) Web site at [www.dol.gov/whd](http://www.dol.gov/whd).